

Amendments to the Drawings:

The attached sheets of drawings include Figures 1-17. These sheets replace the original drawings included in international application PCT/EP04/02749 including Figures 1-17.

Attachment: Replacement Sheets of Figures 1-17

REMARKS

This Response is submitted in reply to the Notice of Non-Compliant Amendment mailed on June 25, 2009. No fee is due in connection with this Response. The Director is authorized to charge any fees that may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 112701-665 on the account statement.

Claims 1-32 are pending in this application. In the Non-Final Office Action mailed on December 17, 2008, the Patent Office required Applicants to furnish drawings under 37 C.F.R. §1.81(c). Claims 1-32 were rejected for nonstatutory double patenting. Claims 1-3, 19-21 and 26-32 were further rejected under 35 U.S.C. §102. Claims 4-18 and 22-25 were objected to as being dependent on rejected base claims. The Notice of Non-Compliant Amendment noted that Applicants failed to furnish the drawings required under 37 C.F.R. §1.81(c).

In response to the Notice of Non-Compliant Amendment dated June 25, 2009, Applicants respectfully note that the Patent Office published this application with Figures 1-17. In addition, drawings representing Figures 1-17 were submitted in the international application PCT/EP04/02749 from which this application was nationalized. Under M.P.E.P. §1810, “[a]n international application designating the United States shall have the effect, from its international filing date under article 11 of the treaty, of a national application for patent regularly filed in the Patent and Trademark Office except as otherwise provided in section 102(e) of this title.” Furthermore, when an application enters the national stage in the United States, 35 U.S.C. §371 only requires the applicant to file: (1) the national fee; (2) a copy of the international application and an English language translation thereof if it was filed in another language; (3) any amendments to the claims in the international application; (4) an oath or declaration; and (5) an English language translation of any annexes to the international preliminary examination report if such annexes were made in a language other than English. Applicants respectfully submit that all such 371 documents were timely filed on September 21, 2005. As such, no new drawings are required. Nevertheless, for the convenience of the Patent Office, Applicants have enclosed herewith copies of the drawings filed in the PCT application labeled as Replacement Sheets.

In view of the submission of Replacement Sheets representing Figures 1-17 and the previous submission of the required documents under 35 U.S.C. §371, Applicants respectfully submit that the Response is now compliant with the procedures of the United States Patent and Trademark Office.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same. In the event there remains any impediment to allowance of the claims that could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Respectfully submitted,

K&L GATES LLP

BY 

Robert M. Barrett
Reg. No. 30,142
Customer No.: 29157
Phone No.: 312-807-4204

Date: July 23, 2009